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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,922	02/07/2006	Shakiel Malik	MALIK-PA	7188
7590		10/12/2007		
OBER / KALER				
c/o Royal W. Craig				
120 East Baltimore Street				
Baltimore, MD 21202				
		EXAMINER		
		CHARIOUI, MOHAMED		
		ART UNIT	PAPER NUMBER	
		2857		
		MAIL DATE	DELIVERY MODE	
		10/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,922

Applicant(s)

MALIK ET AL.

Examiner

Mohamed Charioui

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. **Figures 1-3** is objected to because boxes are not labeled, The Examiner directs the applicant to 37 C.F.R. 1.84(n) and 1.84(o) which state, "Graphical drawing symbols may be used for conventional elements when appropriate" while "[o]ther symbols which are not universally recognized may be used, subject to approval by the Office" and that "[s]uitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing". Since the drawing in Figure 1 does not contain conventional elements, the Examiner may require descriptive legends for better understanding of the drawings. See MPEP 608.02.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Hines (U.S. Patent Number 2003/0028825).

As per claim 1, Hines teaches recording performance data from said target computer system (i.e. client computer system 110) (see paragraphs [0030]); sending said recorded performance data to a remote analyzer (i.e. analysts node 130) (see

paragraph [0034] and Fig. 1); said analyzer analyzing said recorded performance data (see paragraphs [0036]-[0037]); said analyzer, in response to the content of said performance data, generating and providing a humanly readable report (see paragraphs [0024] and [0037]); and said analyzer sending said humanly readable report to at least one of said target computer system and a nominated alternative (see paragraph [0063]).

As per claim 2, Hines further teaches that the humanly readable report comprise observed problems and potential solutions thereto (see paragraph [0042]).

As per claim 3, Hines further teaches that analyzer producing an instruction set, for use at said computer system, said instruction set being operative to cause said target computer system automatically to apply said solutions and said analyzer sending said instruction set to said target computer system (see paragraphs [0063]-[0064]).

As per claims 4, 16, 28 and 30, Hines further teaches causing each solution from said instruction set to be applicable to said target computer system conditionally upon approval by an end user (see paragraphs [0075]-[0076]).

As per claims 5 and 17, Hines further teaches that the analyzer analyzing said performance data with respect to performance data gathered on one or more previous instances of analysis of performance data from said target computer system (see paragraphs [0014]-[0017]).

As per claims 6 and 18, Hines further teaches that target computer system is in addition to a plurality of similarly analyzed and reported computer systems which are analyzed by said analyzer; and that the step of said analyzer analyzing said

performance data includes the step of said analyzer analyzing said performance data with respect to performance data from one or more of said plurality of similarly analyzed and reported computer systems (see paragraphs [0014]-[0017]).

As per claims 7 and 19, Hines further teaches that one or more of said plurality of similarly analyzed and reported computer systems are similarly configured to said target computer system (see paragraphs [0014]-[0017]).

As per claims 8 and 20, Hines further teaches that the step of said analyzer analyzing said performance data involves the step of said analyzer analyzing said performance data with respect to performance data provided by one or more equipment or software manufacturers (see paragraph [0037]).

As per claims 9 and 21, Hines further teaches that the step of said analyzer analyzing said performance data involves the step of said analyzer analyzing said performance data with respect to performance data provided by one or more equipment or software vendors or suppliers (see paragraph [0065]).

As per claim 10, Hines further teaches that the step of sending said recorded performance data to said remote analyzer involves using at least one of the Internet, cable, satellite, and private network (see paragraphs [0034]-[0037]).

As per claims 11 and 23, Hines further teaches that the step of sending said humanly readable report back to said target computer system, involves using at least one of the Internet, cable, satellite, and private network (see paragraph [0063]).

As per claims 12 and 24, Hines further teaches that the step of said analyzer sending a performance data gathering routine to said target computer system, said performance data gathering routine being operative to gather performance data from said target computer system (see paragraphs [0036]-[0038]).

As per claim 13, Hines further teaches receiving means operative to receive recorded performance data sent from said target computer system (see paragraph [0036]); and said a remote analyzer being in communication with said receiving means and operative to analyze said recorded performance data (see paragraphs [0036]-[0038]; [0034]; and Fig. 1); said analyzer being operative, in response to the content of said performance data, to generate and provide a humanly readable report (see paragraphs [0024] and [0037]); and said analyzer being operative to send said humanly readable report back to at least one of said target computer system and a nominated alternative (see paragraph [0036]).

As per claim 14, Hines further teaches that the humanly readable report comprise observed problems and potential solutions thereto (see paragraph [0042]).

As per claim 15, Hines further teaches that analyzer is operative to produce an instruction set, for use at said computer system, said instruction set being operative to cause said target computer system automatically to apply said solutions and said analyzer sending said instruction set to said target computer system (see paragraphs [0063]-[0064]).

As per claim 22, Hines further teaches that the receiving means is operative to receive said recorded performance data to said remote analyzer involves using at least one of the Internet, cable, satellite, and private network (see paragraphs [0034]-[0037]).

As per claims 25 and 26, Hines further teaches that the analyzer sends said instruction set back to said target computer system using at least one of the Internet, cable, satellite, and private network (see paragraph [0063]).

As per claim 27, Hines teaches recording performance data from said target computer system (see paragraphs [0030]-[0031]); sending said recorded performance data to a remote analyzer (see paragraphs [0034]); said analyzer analyzing said recorded performance data (see paragraphs [0036]-[0037]); said analyzer, in response to the content of said performance data, producing an instruction set, for use at said computer system, said instruction set being operative to cause said target computer system automatically to apply said solutions (see paragraph [0063]); and said analyzer sending said instruction set to said target computer system (see paragraph [0063]).

As per claim 29, Hines teaches a remote analyzer (see paragraph [0034] and Fig. 1); receiving means, operative to receive recorded performance data sent from said target computer system to a remote analyzer (see paragraph [0036]); said analyzer being operative to analyze said recorded performance data (see paragraph [0063]); said analyzer being operative, in response to the content of said performance data, to produce an instruction set, for use at said computer system, said instruction set being operative to cause said target computer system automatically to apply said solutions

Art Unit: 2857

(see paragraph [0063]); and said analyzer being operative to send said instruction set to said target computer system (see paragraphs [0063]-[0064]).

Prior art

3. The prior art made record and not relied upon is considered pertinent to applicant's disclosure:

Vorholt et al. ['732] disclose architecture and method for deploying remote database administration.

Gill et al. ['048] disclose fault monitoring and notification system for automated banking machines.

Contact information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Charioui whose telephone number is (571) 272-2213. The examiner can normally be reached Monday through Friday, from 9 am to 6 pm.

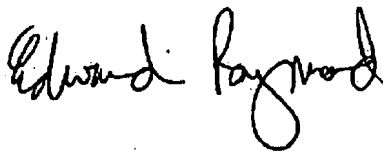
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on (571) 272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2857

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohamed Charioui

9/26/07

A handwritten signature in black ink, appearing to read "Edward Raymond". The signature is fluid and cursive, with the first name "Edward" and last name "Raymond" clearly distinguishable.

**EDWARD RAYMOND
PRIMARY EXAMINER**